IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 1575 OF 2005

India Centre for Human Rights & Law and Anr. ....Petitioners

Versus

The Commissioner of Police and Ors. ... Respondents.

Mr. Mihir Desai for the petitioners.
Mr. Niranjan Pandit, Assistant Government Pleader, for respondents.

CORAM: **DALVEER BHANDARI, C.J.** &
S.J. VAZIFDAR, J.
DATE: **AUGUST 1O, 2005**.

P.C.

This petition has been filed by the India Centre for Human Rights and Law and another in which it has been prayed that the directions given in the judgment of the Apex Court in the case of *Vishaka and others* vs. *State of Rajasthan and others* [(1997) 6 SCC 241], have not been implemented by the State. It is prayed that the Commissioner of Police, Greater Mumbai, Mumbai, and State of Maharashtra be directed to implement following directions:-

(i) One Grievance Committee be set up in every Zone within Greater Mumbai and other parts of Maharashtra as directed in the said

judgment;

(ii) That names of the Committee Members be displayed prominently at every police chowki and police station;

(iii) NGO representatives as required under the Vishaka guidelines be inducted on each such Committee;

(iv) The Committee should be accessible not only to the police force but even to those who visit the police station such as the complainants, witnesses and the accused.

2. Pursuant to the notice issued by this Court, the Commissioner of Police,Greater Mumbai, has filed a comprehensive affidavit. It is incorporated in the affidavit that in accordance with the guidelines laid down by the Apex Court in the case of Vishaka, the Home Department of the Government of Maharashtra vide letter dated 6th February, 2004, prepared the guidelines in consonance with the aforementioned judgment. A Committee for looking into the redressal of cases regarding issues relating to sexual harassment of women in the Police Force at their working place was formed.

3. It is further stated that under the Chairmanship of Smt. Aarti

Bandgar, Assistant Commissioner of Police (Crime Branch), and four other lady officers, the Committee was set up on 3rd July, 2004. It is mentioned that notice has been published and circulated to all the Police Units in Greater Mumbai.

4. It is also incorporated that in the Committee meeting held on 15th January, 2005, the guidelines given by the Apex Court in Vishaka's case were read out and the women were informed about the various aspects and issues relating to sexual harassment of women at working place. The women were also made aware of the various forms of sexual harassment, verbal or physical which in any manner amounting to outrage of modesty of women. In the meeting it was decided that a workshop should be arranged for gender sensitization and to educate people on the subject of sexual harassment of women and also to take and suggest steps for its eradication. It is also mentioned in the affidavit that in the workshop held on 22nd February, 2005, not only women from the Police Force, but even women of various organizations like AGNI, VIRTI VRUND and Colleges like SNDT, etc. participated. On 27th April, 2005, the Committee held its second meeting. About 120 women of the Police Force attended the said meeting. 5 other members who were present at the said meeting also explained the women about the

instances of what could amount to sexual harassment.

5. It is also mentioned in the affidavit that it was decided that, in such a case, to have total transparency, a representative would also be called from the womens' organization or an N.G.O. to be present in such a Committee meeting. It was also decided that Social Service Branch, C.B. C.I.D., to hold several workshops. Accordingly, a number of gender sensitization workshops were held during a span of last about 5-6- years including the current year to sensitize the Officers to effectively deal with such sensitive issues and also to educate them as to how to deal with the women in general. In the affidavit details of the various workshops which were held in pursuance of the said judgment have also been mentioned.

6. One of the prayers in the petition is that the Committee should be accessible not only to the police force but even to those who visit the police station or who were visited by the complainants as complainants, witnesses or accused. This prayer has not been accepted for the following reasons.

7. It is incorporated in the affidavit that the Mumbai Police Department has framed the guidelines in accordance with the judgment of the Apex Court in Vishaka's case. The petitioners seek to enlarge the scope of the Apex Court judgment by demanding that the Committee so formed be available to redress grievances even of outsiders. It is mentioned that this is totally beyond the scope of the Apex Court judgment which deals with the issue of sexual harassment of working women at working place. It is also mentioned that not only this, but there is no such need for making the Committee available to women outside the Police Department inasmuch as there is sufficient mechanism and safeguards available for women who want to complain against sexual harassment at the workplace. At present, if a victim or a complainant is desirous of making complaint against any incident of sexual harassment, she can approach the Senior Inspector of the concerned Police Station and lodge a complaint. If the Senior Police Inspector does not take any steps against erring Police Officer or any other person, she has a right to approach the Assistant Commissioner of Police of the Division. If she is still aggrieved that her case is not properly looked into, she is free to approach the Deputy Commissioner

of Police of the Zone and thereafter the Additional Commissioner of Police of the Region. Not only this, but a new post has also been created in every Police Station called “Police Inspector Community”.

8. We have heard the learned counsel for the parties. In view of the detailed affidavit of the respondent, we are of the considered view that the State seems to be serious in implementing the directions given by the Apex Court in Vishaka's judgment. No further directions are necessary at this stage and this petition is accordingly disposed of. However, liberty is granted to the petitioner to revive this petition, if directions given in the judgment are, in fact, not implemented within three months.

CHIEF JUSTICE

S.J. VAZIFDAR, J.